

**Minutes 08.01.18  
Approved 09.05.18**

The Corrections Officer Retirement Board of Pima County, Arizona met in session on August 1, 2018. The meeting was held in the 1<sup>st</sup> floor conference room at 130 W. Congress, Tucson, AZ.

VOTING MEMBERS PRESENT:                   Keith Bagwell  
  Leo Duffner  
  John Fink  
  Michael Escobar

OTHERS PRESENT:                                 David A. McEvoy, Board Attorney  
  Jaime Carpenter, Board Secretary  
  Renee Mattas, Disability Retiree

ABSENT:    Mary Scott

The meeting was called to order at 8:46 a.m. by Mr. Bagwell.

Item 1 on the agenda was a Roll Call. Attendance, as listed above.

Item 2 on the agenda was the Pledge of Allegiance.

Item 3 on the agenda was the approval of minutes from the board meeting held 07/06/18. Mr. Escobar moved to approve the minutes as submitted. Mr. Duffner seconded the motion and it carried unanimously.

Item 4 on the agenda was the discussion and possible action regarding the disability benefits for Ms. Renee Mattas. Mr. McEvoy reviewed with the board the letter received from the Office of the Arizona Attorney General (AZ AG) dated 07/23/18. The AZ AG advised that they would not provide a legal opinion regarding A.R.S. §38-881(1) based on A.R.S. §41-193(A)(7) and that Mr. McEvoy is not a public officer of the state. On 07/31/18, Mr. McEvoy sent a request to Ms. Angela Paton at the AZ AG to reconsider the request for a legal opinion on behalf of his client, the Pima County Local Board for the Corrections Officer Retirement Plan, as the “public officer”. Ms. Mattas then spoke and reminded the board that her original disability application was approved by the board on 02/06/13 and that she did not come back to work for the department in a designated CORP position as listed on the forms that she signed in 2013. She informed the board that later that year she went through the hiring process and was hired into a civilian position within the department but covered under A.S.R.S. The board discussed the normal retirement eligibility requirement dates for Ms. Mattas. The secretary advised that in January 2019, she would have met the normal retirement criteria (20 years of service) and subsequently, no longer be required to have medical re-evaluations for the continuance of her disability benefits. Mr. McEvoy then reviewed with the board the potential options going forward. Mr. Duffner moved to wait for a response from the AZ AG based on the second request from Mr. McEvoy. Additionally, Mr. Duffner directed the board secretary to obtain the contact information for the legal counsel of other local CORP boards, to seek a legal opinion, should the AZ AG decline to offer one upon the second request. Mr. Escobar seconded the motion and it carried unanimously.

Item 5 on the agenda was the discussion and possible action regarding the medical re-evaluation of disability retiree Rafael Michel, Jr. The board reviewed the report dated July 18, 2018 from Dr. Raymond Schumacher. A discussion followed regarding the response to question #1, which reads, "Does Mr. Michel have a physical or mental condition which totally and permanently prevents him from performing a reasonable range of duties within the employee's department?" Dr. Schumacher's response reads in part, "If the employing law enforcement agency, in its best judgment, considers such activities to be essential parts of the corrections officer occupation, then Mr. Michel does suffer from a permanent physical condition that permanently prevents him from performing a reasonable range of duties as a corrections officer." Mr. McEvoy advised the board that this response is not specific to the standard as set forth in A.R.S. §38-881, which reads, "Accidental disability" means a physical or mental condition that the local board finds totally and permanently prevents an employee from performing a reasonable range of duties within the employee's department..." Mr. Escobar discussed with the board other jobs within the Pima County Sheriff's Department and not just the Corrections Officer Division that do not require direct physical contact with inmates. The secretary also reviewed with the board the difference between an accidental versus a total and permanent disability retirement, as per the CORP Summary of Plan Provisions. Mr. Duffner moved to direct the secretary to obtain job classifications within the Pima County Sheriff's Department and provide those job descriptions to Dr. Raymond Schumacher with a request to review and/or amend his previous report. Mr. Escobar seconded the motion and it carried unanimously. There was no action taken on the disability benefit itself.

Item 6 on the agenda was consideration of payment for the invoice from Dr. Raymond Schumacher for the independent medical re-evaluation of Mr. Rafael Michel, Jr. Mr. Fink moved to approve the invoice for \$1,150 and submit it for payment. Mr. Duffner seconded the motion and it carried unanimously.

Item 7 on the agenda was the Application for Separation – Refund for Yareli Campas-Pereyra, Luis Hernandez, Ramon Sanchez and Isaac Vasquez. Mr. Escobar moved to approve the applications. Mr. Duffner seconded the motion and it carried unanimously.

Item 8 on the agenda was the Application for Normal Retirement for Emmanuel Keedi, with 87.07 points and an effective date of 08/01/18. Mr. Duffner moved to approve the application. Mr. Escobar seconded the motion and it carried unanimously.

Item 9 on the agenda was the Application for Normal Retirement for Lawrence Wyche, with 80.06 points and an effective date of 08/01/18. Mr. Duffner moved to approve the application. Mr. Escobar seconded the motion and it carried unanimously.

Item 10 on the agenda was the Application for Normal Retirement for Myriam Plaquet, with 80.825 points and an effective date of 09/01/18. Mr. Duffner moved to approve the application. Mr. Escobar seconded the motion and it carried unanimously.

Item 11 on the agenda was the Application for a Survivor's Benefit for Laurie Glavaz-Montano, effective 07/01/18. She is the spouse of retired member Arthur Montano, who passed away on 06/21/18. Mr. Escobar moved to approve the application. Mr. Duffner seconded the motion and it carried unanimously.

Item 12 on the agenda was the board resignation of Ms. Georgia Brousseau. The secretary advised of Ms. Brousseau's resignation effective 07/16/18 and her passing on 07/31/18. Mr. John Fink would be taking over as the Interim Chair of the Merit System Commission.

Item 13 on the agenda was a review of pending legislation and discussion as needed. The secretary reviewed SB1251 and its effective date of 08/03/18. The secretary reviewed proposition 125 on the

upcoming November ballot, which would replace the permanent benefit increase (PBI) with a cost-of-living adjustment similar to that of PSPRS. The secretary also advised the board of changes regarding CORP re-hires based on the new statutes, Tier 1, 2 and 3 members.

Item 14 on the agenda was a review of correspondence with the Corrections Officer Retirement Plan. It was the same legislation review from agenda item 13.

Item 15 on the agenda was other board business. There was none.

Item 16 on the agenda was a call to the public. There was none.

Thereafter, upon motion duly made, seconded and unanimously approved, the meeting adjourned at 9:45 a.m.

Jaime K. Carpenter, Secretary